

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 are pending in this application. Claims 1-19 are currently amended. Claims 1 and 17 are the independent claims.

ENTRY OF AMENDMENT AFTER FINAL REJECTION

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 4, 18 and 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

As shown in the preceding section, claims 1, 4, 18 and 19 have been appropriately amended to meet the requirements of 35 USC § 112, second paragraph. Reconsideration and allowance of each of claims 1, 4, 18 and 19 is respectfully requested.

DOUBLE PATENTING REJECTION

Claims 1-6, 8-11, 13, and 16-18 are *provisionally* rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-26, 29, 32-33, and 36-40 of copending Application No. 10/577,158.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/577,158 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

REJECTIONS UNDER 35 U.S.C. § 102

• **MINEMURA**

Claims 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2003/0114144 to Minemura ("Minemura"). Applicants respectfully traverse this rejection for the reasons detailed below.

It is alleged in the Office Action at page 5 that Minemura anticipates the limitations of independent claim 17 because Minemura in FIG. 6 discloses "**[an] equipment including means for reading and transmitting data,** the transmitted data including at least one of an identifier of the equipment and an identifier of the security module, said security module further including means for reception, storage and analysis of a cryptogram," as required by claim 17. (Emphases Added)

FIG. 6 illustrates a relationship between the application and the signature. Essentially, FIG. 6 illustrates the method of obtaining the signature 602 from an application main body 601 and affirming the authenticity of the application main body 602. Minemura at paragraph [0105].

Minemura fails to teach or fairly suggest *any* "equipment including means for reading and transmitting data," let alone the transmitted data including any identifier of the terminal or authentication module, as required by claim 17.

Additionally, none of paragraphs [0085-0089], [0192-0193], [0125] disclose, teach or fairly suggest "[a] cryptogram [including] a **digest of said application and instructions**, means for **verification of said application**, and means for **extraction and execution of the instructions contained in the**

cryptogram, for at least one of releasing and blocking certain resources according to the result of the verification of the application," as required by claim 17. (Emphases Added)

Absent any such teachings, Applicants submit that Minemura fails to anticipate and/or render obvious each and every limitation of claim 17 and of dependent claim 18.

Applicants, therefore, respectfully request that the rejection to claims 17 and 18 under 35 U.S.C. § 102 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

• **MINEMURA**

Claims 1-11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2003/0114144 to Minemura ("Minemura").

It is alleged in the Office Action at page 6 that paragraphs [0192-0193] Minemura teaches "receiving by the control server [] identification data including at least an identifier of the equipment and an identifier of the security module," as recited in claim 1. Particularly, the Examiner alleges that the authentication process of the terminal 2801 and the authentication module 2802 disclosed in paragraphs [0192-0193] anticipates the limitations of claim 1.

However, as is disclosed in paragraph [0192], during authentication of the authentication module 2802, the server 2803 generates the random numbers, encrypts the random numbers by the public key of the authentication module 2802, and demands the authentication module 2802 via the terminal to decrypt the encrypted random numbers. The authentication module 2802 decrypts the random numbers generated by the server 2803 using the private key stored in the tamper-resistant region of the authentication module 2802. The authentication module

2802 returns the random numbers to the server 2803 by relaying the terminal 2801. The server 2803 determines whether or not the random numbers generated by the server 2803 and the random numbers received from the authentication module 2802 are identical, thereby performing authentication.

Namely, in the Minemura authentication process the server 2803 performs authentication by comparing the received data with data the server 2803 transmitted in an initial step. Further, this data is randomly generated. Furthermore, this randomly generated data neither does nor can "identify" the terminal 2801 nor the authentication module 2802.

For at least these reason, Minemura fails to render "receiving by the control server [] **identification data including at least an identifier of the equipment and an identifier of the security module,**" as recited in claim 1, obvious to one of ordinary skill in the art. Also, for reasons somewhat similar, Minemura also fails to render "analyzing and verifying by the control server said identification data," obvious to one of ordinary skill in the art. (Emphases Added)

Additionally, for reasons somewhat similar to the rejection of claims 17-18, Applicants submit that the Minemura method fails to disclose or fairly suggest "generating by the control server a cryptogram including a digest of the application, the identification data and instructions of the security module," as recited in independent claim 1.

Claims 2-11, 13-16 and 19, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-11, 13-16 and 19 under 35 U.S.C. § 103 be withdrawn.

- MINEMURA IN VIEW OF HAVERINEN

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Minemura in view of US 2002/0012433 to Haverinen et al. ("Haverinen"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 12 is patentable over Minemura, as discussed above, as Minemura fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, Haverinen would fail to overcome the noted deficiencies of Minemura (even if combinable, which is not admitted). Therefore, the combination of Minemura and Haverinen fails to render the subject matter of claim 12 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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